

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EZEKIAL SMITH,

Plaintiff,

v.

No. Civ. 12-699 WJ/GBW

MELISSA ORTIZ *et al.*

Defendants.

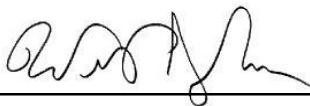
**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter comes before the Court on a review of the record. Plaintiff filed a complaint alleging violations of his First, Eighth, and Fourteenth Amendment rights under the United States Constitution pursuant to 28 U.S.C. § 1983, as well as for violation of the Americans With Disabilities Act (ADA) on June 27, 2012. *Doc. 1.* He filed a motion to amend his Complaint on May 3, 2013, which was granted on July 24, 2013. *Docs. 40, 45.* Defendants Melissa Ortiz and Cody Dunning filed a *Martinez* report and motion for summary judgment on October 4, 2013. *Doc. 60.*

The Magistrate Judge filed his Proposed Findings and Recommended Disposition (PFRD) on October 30, 2013. *Doc. 62.* He recommended dismissal of Plaintiff's action for failure to exhaust administrative remedies. *Id.* at 8.

Plaintiff has filed no objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition, *doc. 62*, is ADOPTED. Plaintiff's claims against Defendants Ortiz and Dunning are DISMISSED with prejudice.



UNITED STATES DISTRICT JUDGE